

23 providers can enjoy the benefits of having increased subscriptions and/or subscription rates. --

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MARKED-UP VERSIONS SHOWING CHANGES MADE TO THE SPECIFICATION:

Paragraph beginning on Page 25, line 1:

The present invention provides an apparatus which provides flexibility in the subscription fulfillment process as well as provides flexibility in the subscription itself.

Paragraph beginning on Page 25, line 20:

The present invention also provides flexibility in the subscription itself. By processing the physical pick-up of the respective periodical, newspaper, magazine, and/or other good or service, and by accordingly registering same, the present invention facilitates the provision of a subscription which can be flexible in length of subscription period. In this manner, an individual subscriber may forego certain issues of the respective periodical, newspaper, magazine, and/or other good or service, without losing the ability to obtain future and/or

additional issues in the future and thereby safeguarding and/or protecting the value of the subscription. For example, an individual may forego picking up an issue of a newspaper [of] or magazine and, depending on the conditions of the subscription, be [entitles] entitled to extend his or her subscription and/or ability to receive [an] a number of future issues of the newspaper or magazine, thereby providing flexibility in the subscription period.

Paragraph beginning on Page 28, line 14:

In the preferred embodiment, each of the central subscription processing computer 10 and the central subscription processing computer 20 are computers and/or computer systems and may be any suitable server computer, network computer, mainframe computer, mini-computer, personal computer, and/or any other computer and/or computer system which is suitable for performing the respective processing functions of the respective computers in a network environment.

Paragraph beginning on Page 56, line 8:

Operation of the apparatus commences at step 100.

At step 101, the individual subscriber can access the central subscription processing computer 10 via either the respective communication device 30 and/or the point-of-sale transaction device 40. In an alternative embodiment, the central subscription processing computer 10 can contact the individual via the individual's communication device 30.

**Paragraph beginning on Page 69 line 3:**

In another preferred embodiment of the present invention, the apparatus and method of the present invention can provide for, and can perform fulfillment services for, and regarding, subscriptions which have flexibility regarding when issues can be obtained and/or skipped while still providing the individual subscriber with the value of, and/or with the number of subscriptions which the individual subscriber has contracted for. In this manner, an individual subscriber who knows ahead of time that he or she may not be able to [utilized] utilize issues of the periodical at certain times, can forego obtaining same and effectively lengthen the subscription term or duration until he [ort] or she receives all issues.

Paragraph beginning on Page 82, line 8:

The present invention provides an apparatus and method for providing subscription and/or subscription fulfillment services, and/or subscription related services. Individual subscribers can obtain subscriptions at discounts off the cover or list prices [which] while being able to maintain control over their ability to receive the issues, goods and/or services, which are the subject of the subscription.

Paragraph beginning on Page 82, line 16:

The present invention provides an apparatus and a method wherein all parties benefit. Individuals can obtain [Subscriptions] subscriptions at cheaper subscription rates and obtain the issues, goods and/or services, which are the subject subscription, where and when desired. Retailers, subscription fulfillment entities, and/or entities can enjoy the benefits of increased business and/or repeated business from individual subscribers. Subscription providers can enjoy the benefits of having increased subscriptions and/or subscription rates.

IN THE ABSTRACT OF THE DISCLOSURE:

Please delete the Abstract of the Disclosure and please substitute therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet.

REMARKS

Claims 21-56 are pending in this application. Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-56. Applicant has amended the Specification, as shown, in order to correct inadvertent errors therein. Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet.

Applicant respectfully submits that the newly added Claims 21-56 do not contain new matter. Applicant also respectfully submits that the amendments to the Specification do not contain new matter. Applicant further respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE AMENDMENTS TO THE SPECIFICATION:

As noted above, Applicant has amended the Specification, as shown, in order to correct inadvertent errors therein. Applicant respectfully submits that no new matter is introduced by the above amendments to the Specification.

Regarding the paragraph beginning on Page 25, line 1, Applicant has amended the paragraph so as to insert -- the -- before "subscription", as shown, in order to correct an inadvertent error.

Regarding the paragraph beginning on Page 25, line 20, Applicant has amended the paragraph so as to replace "of" with -- or --, as shown, so as to replace "entitles" with -- entitled --, as shown, and so as to replace "an" with -- a --, as shown, in order to correct inadvertent errors.

Regarding the paragraph beginning on Page 28, line 14, Applicant has amended the paragraph so as to insert

-- and -- after "systems", as shown, in order to correct an inadvertent error.

Regarding the paragraph beginning on Page 56, line 8, Applicant has amended the paragraph so as to insert -- 30 -- after "device", as shown, and so as to insert -- 10 -- after "computer", as shown, in order to correct inadvertent errors.

Regarding the paragraph beginning on Page 69, line 3, Applicant has amended the paragraph so as to replace "utilized" with -- utilize --, as shown, and so as to replace "ort" with -- or --, as shown, in order to correct inadvertent errors.

Regarding the paragraph beginning Page 82, line 8, Applicant has amended the paragraph so as to replace "which" with -- while --, as shown, in order to correct an inadvertent error.

Regarding the paragraph beginning on Page 82, line 16, Applicant has amended the paragraph so as to replace "Subscriptions" with -- subscriptions --, as shown, in order to correct an inadvertent error.



In view of the foregoing, Applicant respectfully submits that the amendments to the Specification do not contain new matter. Entry of the amendments to the Specification is respectfully requested.

**II. THE 35 U.S.C. §102 REJECTION:**

The Examiner rejected Claims 1-20 under 35 U.S.C. §102(e) "as being clearly anticipated by" Benson, U.S. Patent No. 6,334,118 (Benson). As noted above, Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-56. Applicant respectfully submits that the present invention, as defined by Claims 21-56, is patentable over Benson.

**IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-35, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 21-35, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present

invention, as defined by independent Claim 21, is patentable over Benson. Applicant respectfully submits that Benson does not disclose or suggest an apparatus for providing subscription information, comprising a receiver for receiving a request to receive or pick-up at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, at a retail facility or store pursuant to a subscription, wherein the request contains information regarding the subscription, all of which features are specifically recited features of independent Claim 21.

Applicant further respectfully submits that Benson does not disclose or suggest a processing device for processing the request, wherein the processing device determines at least one of a status of the subscription and a number of at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, remaining to be fulfilled pursuant to the subscription, and further wherein the processing device generates a message in response to the request, wherein the message contains information regarding an authorization or a denial to provide the at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and

a service, all of which features are still other specifically recited features of independent Claim 21.

Applicant further respectfully submits that Benson does not disclose or suggest a transmitter for transmitting the message to a point-of-sale transaction device located at the retail facility or store, all of which features are still other specifically recited features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that Benson does not disclose or suggest many of the specifically recited features of independent Claim 21, which features are important and recited features of said independent Claim. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Benson.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art. Applicant further respectfully submits that Claims 22-35, which claims depend either directly or indirectly from independent Claim 21, so as to include all of the limitations of independent Claim 21 and which serve to

further narrow the scope of independent Claim 21, are also patentable as said Claims 22-35 depend from allowable subject matter.

Allowance of pending Claims 21-35 is, therefore, respectfully requested.

**IIB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 36-44, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 36-44, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 36, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 36, is patentable over Benson. Applicant respectfully submits that Benson does not disclose or suggest an apparatus for providing subscription information, comprising an input device for inputting information regarding a request to receive or pick-up at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, at a retail facility or store pursuant to a

subscription, wherein the subscription is an existing subscription, all of which features are specifically recited features of independent Claim 36.

Applicant further respectfully submits that Benson does not disclose or suggest a processing device for processing the information regarding a request, wherein the information regarding a request includes information regarding the subscription, and further wherein the processing device generates a request, all of which features are still other specifically recited features of independent Claim 36.

Applicant further respectfully submits that Benson does not disclose or suggest a transmitter for transmitting the request to a subscription fulfillment computer, all of which features are still other specifically recited features of independent Claim 36.

Applicant further respectfully submits that Benson does not disclose or suggest a receiver for receiving a response to the request from the subscription fulfillment computer, all of which features are still other specifically recited features of independent Claim 36.

Applicant further respectfully submits that Benson does not disclose or suggest at least one of a display device for displaying information contained in the response and an output device for outputting information contained in the response, all of which features are still other specifically recited features of independent Claim 36.

Applicant further respectfully submits that Benson does not disclose or suggest the recited apparatus, wherein the processing device processes information contained in the response, wherein the response contains information for authorizing or denying the request to receive or pick-up the at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, at the retail facility or store, all of which features are still other specifically recited features of independent Claim 36.

In view of the foregoing, Applicant respectfully submits that Benson does not disclose or suggest many of the specifically recited features of independent Claim 36, which features are important and recited features of said independent Claim. In view of the foregoing, Applicant

respectfully submits that the present invention, as defined by independent Claim 36, is patentable over Benson.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 36, is patentable over the prior art. Applicant further respectfully submits that Claims 37-44, which claims depend directly from independent Claim 36, so as to include all of the limitations of independent Claim 36 and which serve to further narrow the scope of independent Claim 36, are also patentable as said Claims 37-44 depend from allowable subject matter.

Allowance of pending Claims 36-44 is, therefore, respectfully requested.

**IIC. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 45-55, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 45-55, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 45, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 45, is patentable over Benson. Applicant respectfully submits that Benson does not disclose or suggest an apparatus for providing subscription information, comprising a memory device for storing subscription information, wherein the subscription information includes at least one of information regarding a subscription for at least one of a periodical, a newspaper, a magazine, a good, and a service, and information for at least one of creating a subscription and initiating a subscription, all of which features are specifically recited features of independent Claim 45.

Applicant further respectfully submits that Benson does not disclose or suggest a processing device for processing a request to at least one of create a subscription and initiate a subscription utilizing the information stored in the memory device, wherein the request contains information regarding a request to receive a pre-defined number of at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, over a pre-specified time period, wherein the pre-specified time period exceeds a normal time period for receiving all of the pre-defined number of at



least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, and further wherein the processing device at least one of creates a subscription and initiates a subscription, and further wherein the processing device generates a message containing information regarding the subscription, all of which features are still other specifically recited features of independent Claim 45.

Applicant further respectfully submits that Benson does not disclose or suggest a transmitter for transmitting the message to at least one of a communication device associated with an individual and a point-of-sale transaction device associated with a retail facility or store, all of which features are still other specifically recited features of independent Claim 45.

In view of the foregoing, Applicant respectfully submits that Benson does not disclose or suggest many of the specifically recited features of independent Claim 45, which features are important and recited features of said independent Claim. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 45, is patentable over Benson.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 45, is patentable over the prior art. Applicant further respectfully submits that Claims 46-55, which claims depend directly from independent Claim 45, so as to include all of the limitations of independent Claim 45 and which serve to further narrow the scope of independent Claim 45, are also patentable as said Claims 46-55 depend from allowable subject matter.

Allowance of pending Claims 45-55 is, therefore, respectfully requested.

**IID. THE PRESENT INVENTION, AS DEFINED BY CLAIM 56, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 56, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 56, is patentable over Benson. Applicant respectfully submits that Benson does not disclose or suggest an apparatus for

providing subscription information, comprising a memory device for storing subscription information, wherein the subscription information includes at least one of information regarding a subscription for at least one of a periodical, a newspaper, a magazine, a good, and a service, and information for at least one of creating a subscription and initiating a subscription, all of which features are specifically recited features of independent Claim 56.

Applicant respectfully submits that Benson does not disclose or suggest a processing device for processing a request for a subscription utilizing the information stored in the memory device, wherein the request contains information regarding a request to receive a pre-defined number of at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, over a pre-specified time period, and a retail facility or store from which the at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, can be picked-up or received, and further wherein the processing device at least one of creates a subscription and initiates a subscription, wherein the processing device generates a message containing information regarding the subscription, all of

which features are still other specifically recited features of independent Claim 56.

Applicant respectfully submits that Benson does not disclose or suggest a transmitter for transmitting the message to at least one of a communication device associated with an individual and a point-of-sale transaction device associated with a retail facility or store, all of which features are still other specifically recited features of independent Claim 56.

In view of the foregoing, Applicant respectfully submits that Benson does not disclose or suggest many of the specifically recited features of independent Claim 56, which features are important and recited features of said independent Claim. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 56, is patentable over Benson.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 56, is patentable over the prior art.

Allowance of pending Claim 56 is, therefore,

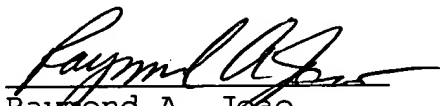
respectfully requested.

III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-56 is respectfully requested.

A Credit Card Payment Form, for payment of \$186.00, for payment for sixteen (16) additional claims (\$144.00) and for one (1) additional independent claim (\$42.00), is submitted herewith. A Fee transmittal Sheet (in duplicate) is also submitted herewith.

Respectfully Submitted,

  
Raymond A. Joao  
Reg. No. 35,907

Encls.: - Abstract of the Disclosure  
- A Credit Card Payment Form, for payment of \$186.00 (for payment for sixteen (16) additional claims (\$144.00) and for one (1) additional independent claim (\$42.00))  
- Fee transmittal Sheet (in duplicate)  
- Return Receipt Postcard

November 21, 2002  
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